

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:08-CR-107
)	(PHILLIPS/ GUYTON)
RALPH T. O'NEAL,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is now before the Court to address numerous *pro se* motions that have been filed by the Defendant.

On April 23, 2009, the parties came before the Court to address a motion to withdraw that had been filed by the Defendant's attorney. At that time, the Court granted the Defendant's request to represent himself in this matter. [Doc. 119]. Since this hearing, the Defendant has filed numerous untimely motions with the Court. The motion deadline in this case was originally August 4, 2008. [Doc. 9]. This deadline was later extended to October 10, 2008, [Doc. 60], and it was finally extended to February 18, 2009, [Doc. 102]. The motion deadline in this case has not been extended beyond February 18, 2009.

Pursuant to Rule 12 of the Federal Rules of Criminal Procedure, this Court may set a deadline for the parties to make pretrial motions, and it is within the Court's discretion to extend this deadline and grant relief from the waiver that attaches to motions not filed within this deadline, where good cause has been shown. Fed. R. Crim. P. 12(c), (e). The Defendant has not shown good

cause as to why the motion deadline, which was previously extended by over six months, should again be extended. Therefore, the Court finds that all motions filed beyond the February 18, 2009, motion deadline are untimely.

Accordingly, the Court finds that the *Pro Se* Motion for Detention Hearing and Bond Pending Trial [**Doc. 120**], *Pro Se* Motion for Disclosure of Grand Jury Transcripts [**Doc. 122**], *Pro Se* Motion for Pretrial Determination of Admissibility of Alleged Co-Conspirator's Statements [**Doc. 123**], *Pro Se* Motion to Request a Motion Cut Off Date [**Doc. 127**], *Pro Se* Motion to Request Order in the Court [**Doc. 128**], and *Pro Se* Motion to Return Seized Property [**Doc. 131**] are untimely and are not well-taken, and therefore, they are **DENIED**.

A report and recommendation addressing the Defendant's Motions to Dismiss [Doc. 130 and 134] shall follow this order. Finally, the Court notes that, while the Defendant's Motion for a Detention Hearing [Doc. 120] is denied as untimely, the Court will interpret the filing of this motion as the Defendant's request to invoke his right to a detention hearing, a right which the Defendant previously waived but reserved [Doc. 13]. The Defendant's detention hearing shall be held **May 19, 2009, at 9:30 a.m.**

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge